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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MALIN HALEY AND DIMAGGIO, PA 1936 S ANDREWS AVENUE FORT LAUDERDALE, FL 33316				
EXAMINER HARRIS, ANTON B				
ART UNIT		PAPER NUMBER		
2831				

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,230

Applicant(s)

RINTZ

Examiner

Anton B Harris

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the flexible portion and the rigid perimeter portion recited in claims 1, 3, and 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Claim Objections

Claim 3 is objected to as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "said outer surface" in line 6. There is insufficient antecedent basis for this limitation in the claim.

The Office interprets the "said outer surface" to be "an outer surface". Appropriate correction is required.

Any further rejection of, or indications of the allowability of, claims 3 is based on claim 3, as it is understood by the Office.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Zimmerman et al. (3,663,781).

Regarding claim 1, Zimmerman et al. (col. 1, lines 50-67) discloses a light switch assembly comprising:

a face plate member 1 having a rigid perimeter portion and a flexible portion (col. 2, lines 20-21) associated with said rigid perimeter portion; and

means 10, 11 for illuminating said flexible portion (col. 2, lines 20-21).

Regarding claim 2, Zimmerman et al. (col. 1, lines 50-67) discloses one or more switches 6, 7 in communication with said means 10, 11 for illuminating.

Regarding claim 3, Zimmerman et al. (col. 1, lines 50-67) discloses a light switch assembly comprising:

a face plate member having a rigid perimeter portion and a flexible portion associated with said rigid perimeter portion;

means 10, 11 for illuminating said outer surface; and

means 1a, 1b for removably attaching said face plate member 1 to an electrical box of a structure 2.

Regarding claim 4, Zimmerman et al. (col. 1, lines 50-67) discloses at least one light switch 6, 7 in communication with said means 10, 11 for illuminating.

Regarding claim 5, Zimmerman et al. (col. 1, lines 50-67) discloses a light switch assembly comprising:

a mounting member 1a, 1b;

a face plate member 1 having a rigid perimeter portion;

a flexible light assembly 10, 11 including a lighting sheet or lamp associated with said rigid perimeter portion; and

means (col. 1, lines 35-37) for energizing said lighting sheet or lamp, said means (col. 1, lines 35-37) for energizing adapted for communication with a structure's supply of electrical energy, said means (col. 1, lines 35-37) for energizing having at least one switch 6, 7 which is accessible through the flexible light assembly 10, 11.

Regarding claim 6, Zimmerman et al. (col. 1, lines 50-67) discloses that at least one switch is a plurality of switches 6, 7.

Regarding claim 7, Zimmerman et al. (col. 1, lines 50-67) discloses a means 8, 9 for maintaining communication between said means (col. 1, lines 35-37) for energizing and the structure's supply of electrical energy.

Regarding claim 8, Zimmerman et al. (col. 1, lines 50-67) discloses a power source (col. 2, lines 11-13).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fujiyoshi et al. U.S. Patent No. 4,757,168 discloses a switch plate including a power source, a flexible light assembly, and light display.

Carlisle U.S. Patent No. 4,565,023 discloses a switch plate including a lighting sheet, a flexible light assembly, and light display.

Filion et al. U.S. Patent No. 5,448,028 discloses a switch cover including a power source, a flexible light assembly, and light display.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton B Harris whose telephone number is (571) 272-1976. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dean Reichard, can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

abh

5/13/04

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DEAN A. REICHARD
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